PUBLIC WORKS AND ELECTRICITY SECRETARIAT

Amendment to Mysore Public Works Departmental Code Volume-II Clause 15,—Contract Form PWG 65 (a)—Amendment to –

READ :—

1. G. O. No. PWD 43 EGL 62, dated 8th April 1964.
2. G. O. No. PWD 330 SMS 68, dated 6th March 1969
3. Letter No. Misc/ACI/CE (gl) 69-70, dated 2nd May 1969 of the C. E. (General), Bangalore.
4. Letter No. BCES/340/71-72 dated 9th February 1972 from the Chairman, Board of Chief Engineers, Bangalore-1.

PREAMBLE :—

The Agreement form of the P. W. and Electrical Department was revised in the G. O. cited at (1) above and included in the M. P. W. D. Code, Vol.-II as Form PWG 65 (a).

The sub-clause (iv) of Clause 15 of Form No. PWG 65 (a) appearing at page 133 of the M. P. W. D. Code, Vol.-II was ordered to be deleted in the G. O. cited at (2) above.

The C. E. (General,) Bangalore in his letter cited at (3) above states that the deletion of the sub-clause (iv) of Clause 15 has caused much difficulty for the Department to carry on work entrusted to the Contractor. Before the deletion of the Sub-clause, the period of stoppage could not exceed six months, after which period the portion of work so stopped was deemed to have been deleted from the Agreement. With the deletion of the entire sub-clause, there would not be any restriction as to the period upto which the whole or part of a work could be stopped from being carried out by the contractor. To avoid all these complications, it has been suggested that the time limit of six months for stoppage of work be introduced and the work stopped beyond this period and deleted could be paid for as an extra item under the provisions of clause 13 (ii).

The proposal of the C. E. (General), Bangalore, was referred to the Board of C. Es., with a request to furnish their views in the matter. The Board resolved that the modified clause under 15 (iv) of the Agreement Form 65 (a) be introduced.

ORDER NO. PWD 45 FCR 72, BANGALORE, DATED 25TH SEPTEMBER/22ND OCTOBER 1973.

After examining all the aspects of the case, Government are pleased to introduce the following sub-clause (iv) to clause 15 of the Agreement Form PWG 65 (a) *viz.*,

"The period of stoppage ordered by the Executive Engineer or other competent authority should not ordinarily exceed six months. Thereafter the portion of work so stopped may be treated as deleted from this agreement if a notice in writing to that effect is given to the Executive Engineer or other competent authority by the Contractor within seven days after the expiry of the above period. The portion of work thus deleted be got executed on supplemental agreement on mutually agreed rates which shall not exceed current schedule of rates. If the rates cannot be settled at reasonable rates with the tendered contractor by mutual agreement, the work may be got executed either departmentally or through other agencies.

By Order and in the name of the Governor of Mysore,

A. V. MIRZA,

Finance Officer and Ex-Officio

Deputy Secretary to Government,

Public Works and Electricity Department.